

3 April 1947

OGC Has Reviewed

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MEMORANDUM TO CHIEF, SPECIAL FUNDS SECTION
Attention: Mr. [REDACTED]

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Subject : Travel Expenses

1. Questions have been raised by members of your section concerning the propriety of reimbursing employees on travel expense vouchers for the cost of items for an employee and his dependents such as visa fees, passport photographs, inoculations, fees in connection with the issuance of passports, cost of birth certificates, and the premiums on bonds required of so-called State Department designees, as a result of their appointment as a foreign service officer. Paragraph 75 of the Standardized Government Travel Regulations provides for reimbursement to the employee for all of the above items, except for bond premiums, when authorized or approved by the administrative official.

2. Public Law 600, approved 2 August 1946, authorizes the payment of the expenses of travel of an employee and the expenses of transportation of his immediate family when transferred from one official station to another for permanent duty. As prescribed by Public Law 600, regulations have been issued by the President in Executive Order 9805, effective 1 November 1946. Section 2 of this Executive Order provides that travel expenses of the employee shall be allowed in accordance with the Subsistence Expense Act of 1928, as amended, and the Standardized Government Travel Regulations. Section 3 of Executive Order 9805 provides that the transportation expenses of the immediate family of an employee shall be subject to those provisions of the Standardized Government Travel Regulations which relate to transportation. It is to be noted that Public Law 600 authorizes the payment of travel expenses of civilian officers and employees, but limits the payment of expenses incurred by the immediate families to expenses of transportation. The limitation is further recognized in Executive Order 9805 in Section 3, which provides that the provisions of the travel regulations which relate to transportation are to be applicable to the transportation expenses of the immediate families of employees.

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3. A specific case involving the expenses of inoculation of the dependents of an employee was considered by the Comptroller General in 26 Comp. Gen. 157, 6 September 1948. It was held that necessary inoculation charges constitute a travel expense for which an employee is entitled to be reimbursed, provided the charges for inoculation be authorized by the proper official; however, such charges may not be considered as coming within the purview of the term "expenses of transportation". The Opinion goes on to state that the term "transportation" ordinarily connotes the allowance of common carrier fares only, and there is no basis for construing it so as to include inoculation charges. Since reimbursement for fees in connection with issuance of passports, visa fees, cost of photographs for passports, and cost of birth certificates, is allowable only under Paragraph 75 of the Standardized Government Travel Regulations, it is the opinion of this office that the reasoning applied by the Comptroller General to reimbursement for inoculation charges should extend to all of the above-mentioned types of fees. Therefore, under the present Special Funds Regulations, the types of expenses listed above are properly payable as travel expenses in accordance with Paragraph 75 of the Standardized Government Travel Regulations, where such expenses are incurred for the employee but reimbursement is not authorized where the expenses are incurred for the members of the employee's immediate family.

4. It is provided in 36 Stat. 125, 5 August 1909, that "the United States shall not pay any part of the premium or other cost of furnishing a bond required by Law or otherwise of any officer or employee of the United States". The question of payment with Government funds of bond premiums of Government employees has been considered by the Comptroller General a number of times. It has been held consistently that such costs may not be paid by the Government.

5. It is stated in 15 Comp. Gen. 923, 21 April 1955, that the Statute quoted above prohibits the payment of premiums of bonds of officers and employees of the United States from public funds, and such prohibition operates directly upon the public agent as well as the public funds. In this particular case, the Government agency involved was authorized to determine its necessary expenditures without regard to the provisions of any other law governing the expenditure of public funds. This Opinion points out, as had the previous opinions, that the giving of a bond is in the nature of a qualification for the particular position, and the expense of furnishing such bond is personal to the employee.

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6. In view of the above, it is the opinion of this office that payment of bond premiums from the funds available to this organization in the type of case set forth above is not authorized under existing regulations. Accordingly, no such request for reimbursement should be recognized, and, in the event reimbursement has been authorized previously, refunds should be secured from those individuals who have received such reimbursement.

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Assistant General Counsel

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cc: [REDACTED]

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